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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/430,045	10/29/1999	DAVID CARROLL CROMWELL	7000-045	6702
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			EXAMINER NGUYEN, DUSTIN	
			ART UNIT 2154	PAPER NUMBER 18

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/430,045

Applicant(s)

CROMWELL ET AL.

Examiner

Dustin Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 19, 36 - 45, 52 - 69 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 19, 36 - 45, 52 - 69 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 13.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAIL ACTION

1. Claims 1 – 19, 36 – 45, 52 - 69 are presented for examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 5-9, 12-19, 36, 39-45, 52, 55, 57-69, are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis [US Patent No 6,408,128], in view of Anderson et al. [US Patent No 4,545,043].

4. As per claim 1, Abecassis discloses the invention substantially as claimed including a sequence processor for providing access to a sequence of audio segments accessible by an audio server, the sequence processor comprising computer-executable instructions embodied in a computer-readable medium for performing steps comprising:

receiving a request for playing the sequence of audio segments [Abstract; col 4, lines 64-67; col 16, lines 13-18; and col 41, lines 4-8], the sequence being identified by an audio identifier [col 10, lines 24-38 and lines 51-59; and col 23, lines 33-38];

locating, in an audio server database, the sequence of audio segments based on the audio identifier [col 12, lines 28-43; and col 16, lines 59-64].

Abecassis does not specifically disclose
the sequence of audio segments comprising at least portions of network-related announcements to be played to a recipient; and
playing the sequence of audio segments to the recipient so that the recipient is apprised of at least one network-related announcement.

Anderson discloses
the sequence of audio segments comprising at least portions of network-related announcements to be played to a recipient [col 1, lines 6-15; and col 5, lines 39-46]; and
playing the sequence of audio segments to the recipient so that the recipient is apprised of at least one network-related announcement [Abstract; and col 5, lines 22-25].

It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Abecassis and Anderson because Anderson's teaching of network-related announcement would allow announcement information to be transmitted to customers in real-time [Anderson, col 1, lines 13-16].

5. As per claim 5, Abecassis discloses receiving a request for playing the sequence of audio segments wherein at least one of the audio segments is a variable [col 4, lines 64-67; and col 11, lines 30-33].

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6. As per claim 6, Abecassis discloses resolving the variable into an audio data segment [col 20, lines 1-38].

7. As per claim 7, it is rejected for similar reasons as stated above in claim 1. Furthermore, Abecassis discloses a selector for specifying a member of the set corresponding to the audio segment [col 26, lines 23-28] and selecting the audio segment to be played based on the audio identifier and the selector [col 2, lines 1-6].

8. As per claim 8, Abecassis discloses the set contains a plurality of levels of audio data qualifiers [col 16, lines 59-col 17, lines 16] and the selector specifies a path through the levels that leads to the member corresponding to the audio segment to be played [i.e. retrieval path] [col 68, lines 24-31].

9. As per claim 9, Abecassis discloses the set contains a plurality of levels of audio data qualifiers and the selector specifies a partial path through the levels and selecting the audio data segment to be played includes traversing the levels in the order specified by the selector and supplying default paths through levels not specified by the selector [Figure 17H; col 68, lines 24-31; and col 42, lines 14-29].

10. As per claim 12, it is rejected for similar reasons as stated above in claims 1, 5 and 6. Furthermore, Abecassis discloses determining whether the variable is an embedded variable [Figures 6A-E] and playing the sequence including the variable [col 21, lines 58-65].

11. As per claim 13, Abecassis discloses in response to determining that the variable is not an embedded variable, resolving the variable into at least one audio data segment based on at least one of type, subtype, and value of the variable [i.e. default] [col 42, lines 14-29].

12. As per claim 14, Abecassis discloses the variable is Multilanguage variable and wherein resolving the variable includes selecting audio data segments to be played based on a language specified by the variable [col 51, lines 15-40].

13. As per claim 15, it is rejected for similar reasons as stated above in claim 14.

14. As per claims 16-19, they are rejected for similar reasons as stated above in claims 5-7.

15. As per claim 36, it is rejected for similar reasons as stated above in claim 1.

16. As per claim 39, it is rejected for similar reasons as stated above in claims 5 and 6.

17. As per claim 40, it is rejected for similar reasons as stated above in claim 7.

18. As per claim 41, it is rejected for similar reasons as stated above in claims 8 and 9.

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19. As per claim 42, it is rejected for similar reasons as stated above in claims 8 and 9.

Furthermore, Abecassis discloses the selector specifies a partial path through the levels [i.e. mix] [col 20, lines 39-47].

20. As per claim 43, it is rejected for similar reasons as stated above in claims 1, 5, 6 and 14.

21. As per claim 44, Abecassis discloses means for selecting audio segments having inflections in accordance with the language specified in the request [i.e. language preferences] [col 51, lines 15-25].

22. As per claim 45, it is rejected for similar reasons as stated above in claim 7.

23. As per claim 52, it is a method claimed of claim 1, it is rejected for similar reasons as stated above in claim 1.

24. As per claim 55, it is method claimed of claim 7, it is rejected for similar reasons as stated above in claim 7.

25. As per claims 57 and 58, they are rejected for similar reasons as stated above in claims 8 and 9.

26. As per claim 59, it is rejected for similar reasons as stated above in claim 12.

27. As per claim 60, it is rejected for similar reasons as stated above in claim 1. Furthermore, Abecassis discloses an interface card, an audio server database embodied in a memory device, and a processor [col 12, lines 14-48].

28. As per claim 61, Abecassis discloses at least one digital signal processing (DSP) card for converting the sequences of audio data segments extracted from the audio server database into a format for playing to the recipient [col 8, lines 34-45; and col 9, lines 9-17].

29. As per claim 62, it is rejected for similar reasons as stated above in claim 7.

30. As per claim 63, it is rejected for similar reasons as stated above in claims 1, 5 and 6.

31. As per claim 64, it is rejected for similar reasons as stated above in claim 1.

32. As per claim 65, it is rejected for similar reasons as stated above in claim 7.

33. As per claim 66, it is rejected for similar reasons as stated above in claims 5 and 6.

34. As per claims 67-69, they are rejected for similar reasons as stated above in claims 1, 5-7.

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35. Claims 2-4, 10, 11, 37, 38, 53, 54, 56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Abecassis [US Patent No 6,408,128], in view of Anderson et al. [US Patent No 4,545,043], and further in view of Kalmanek, Jr. et al. [US Patent No 6,483,912].

36. As per claim 2, Abecassis and Anderson do not specifically disclose receiving a request from a media gateway control protocol (MGCP) call agent. Kalmanek discloses receiving a request from a media gateway control protocol (MGCP) call agent [Figure 1; and col 6, lines 54-67]. It would have been obvious to a person skill in the art at the time the invention was made to combine the teaching of Abecassis, Anderson and Kalmanek because Kalmanek's teaching of MGCP would provide devices to communicate in a more efficient manner.

37. As per claim 3, Kalmanek discloses receiving an MGCP NotifyRequest command from the call agent [col 15, lines 23-34].

38. As per claim 4, Kalmanek discloses transmitting audio data packets to a gateway over a packet-based network, and wherein the gateway plays the sequence [130, Figure 1; and col 3, lines 61-67].

39. As per claims 10 and 11, they are rejected for similar reasons as stated above in claims 2 and 3.

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40. As per claims 37 and 38, they are rejected for similar reasons as stated above in claims 2 and 4.

41. As per claim 53, it is a method claimed of claim 2, it is rejected for similar reasons as stated above in claim 2.

42. As per claim 54, it is a method claimed of claim 4, it is rejected for similar reasons as stated above in claim 4.

43. As per claim 56, it is method claimed of claim 2, it is rejected for similar reasons as stated above in claim 2.

44. Applicant's arguments with respect to claims 1–19, 36–45, 52–69 have been considered but are moot in view of the new ground(s) of rejection.

45. A shortened statutory period for response to this action is set to expire **3 (three) months and 0 (zero) days** from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Conclusion

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dustin Nguyen whose telephone number is (703) 305-5321. The examiner can normally be reached on Monday – Friday (8:00 – 5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (703) 306-8498.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directly to the receptionist whose telephone number is (703) 305-3900.

Dustin Nguyen



JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100